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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**At Medford, Oregon**

DENISE LOUISE COUSINS,  
  
Plaintiff,

v.

KLAMATH COUNTY , a public entity,  
  
Defendant.

USDC No. *05-3096-CO*

**COMPLAINT**

**(SEX DISCRIMINATION – TITLE VII  
AND ORS 659A)**

**DEMAND FOR JURY TRIAL**

Plaintiff alleges:

**FIRST CLAIM FOR RELIEF**

(Violation of 42 U.S.C. 2000-e-2-Sex)

1.

At all times material, Defendant Klamath County, hereinafter “Klamath County” was and is a statutorily created public entity in the state of Oregon.

2.

Plaintiff, Denise Louise Cousins, is a female citizen of the United States and resident of

Klamath County, Oregon.

3.

This Court has federal question jurisdiction under 28 U.S.C. § 1331 and pendant jurisdiction of Plaintiff's state claims.

4.

Plaintiff provided Tort Claim Notice to Klamath County within 180 days of learning of Plaintiff's discrimination. Plaintiff filed administrative complaints with the Oregon Bureau of Labor and the Equal Employment Opportunity Commission and received her Right to Sue letters from the Bureau of Labor on July 28, 2005, and her Right to Sue letter from the EEOC on August 19, 2005.

5.

Plaintiff worked as a seasonal Utility Worker for Defendant Klamath County in the Road Department from May 2002 through September 2004. Throughout her period of employment, Plaintiff applied for available full time Utility Worker positions. In each case a male was chosen for the position. In August 2004, Plaintiff again applied for an available Utility Worker position. Even though Plaintiff's qualifications were equal to or superior to male applicants for the position, a male applicant was again chosen for the position.

6.

In addition to being denied employment on the basis of her gender, during the course of her employment Plaintiff was subjected to offensive gender-based comments.

7.

Defendant, acting by and through its employees and agents in the Road Department, intentionally discriminated against Plaintiff by denying her employment and subjecting her to

different terms and conditions of employment based on her gender, a violation of 42 U.S.C. 2000e-2.

7.

As a direct result of Defendant's intentional discrimination, Plaintiff has suffered shock, mental anguish, loss of reputation and public humiliation, all to her non-economic damages in the sum of \$100,000.00.

8.

As a further direct result of Defendant's intentional discrimination, Plaintiff has suffered a loss of earnings and benefits to date in the sum of \$40,000, and future earnings and benefits in the sum of \$200,000, for total economic damages of \$240,000.

9.

Plaintiff is entitled to recovery of her attorney fees and costs pursuant to 42 U.S.C 1988.

## SECOND CLAIM FOR RELIEF

(Violation of ORS 659A.020 – Sex)

10.

Plaintiff realleges paragraphs 1-8 above and further alleges:

11.

Defendant's intentional discrimination against Plaintiff based on her sex, as alleged above, is a violation of Oregon law against discrimination, ORS 659A.020. Plaintiff is entitled to back pay and benefits, and placement as a full time Utility Worker. If placement as a full-time Utility Worker would force her into an unreasonably hostile environment, Plaintiff is entitled to front pay in an amount to be determined by the court.

12.

Plaintiff is entitled to payment of her reasonable attorney fees and costs pursuant to ORS 659A.121.

**WHEREFORE**, Plaintiff prays for damages against Defendant as follows:

1. The sum of \$240,000 in economic damages, or in the alternative back pay and benefits to the date of trial and placement in a full-time permanent Utility Worker position.
2. The sum of \$100,000 in non-economic damages;
3. Plaintiff's attorney's fees, costs and disbursements incurred herein; and
4. For such other and further relief as the court deems appropriate.

DATED: 10/24, 2005.

EVELYN CONROY & ASSOCIATES, P.C.

  
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